

## **REMARKS/ARGUMENTS**

### **I. General Remarks and Remarks Regarding the Restriction Requirement.**

Applicants respectfully request that the above amendments be entered, and further request reconsideration in light of the amendments and remarks contained herein.

On August 11, 2005, during a telephone conversation with the Examiner, claims 5-14 were provisionally elected in response to the Examiner's restriction requirement without traverse. This provisional election is hereby confirmed, and claims 1-4 have been canceled. No amendment to inventorship is necessitated by this election.

### **II. Disposition of the Claims.**

Claims 5-20 are pending. Claims 1-4 have been canceled. Claims 5 and 10 are amended herein. Claims 15-20 have been added. All the above amendments are made in a good faith effort to advance the prosecution on the merits of this case. Applicants reserve their rights to take up prosecution on the claims as originally filed in this or an appropriate continuation, continuation-in-part, or divisional application.

### **II. Remarks Regarding the Rejection of Claims 5-14 Under 35 U.S.C. § 102(b).**

The Examiner has rejected claims 5-14 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,011,075 issued to Parris et al. (hereinafter "*Parris*"). (Office Action at 3.) Applicants respectfully traverse, and submit that the Examiner has not shown that *Parris* discloses every element as recited in Applicants' claims 5-14 as required to anticipate the claims under 35 U.S.C. § 102(b). *Manual of Patent Examining Procedure* § 2131 (2004) (hereinafter "MPEP").

With respect to *Parris*, the Examiner states that:

*Parris* et al teaches in column 1, line 12 - column 7, line 15 a method of fracturing or treating a subterranean formation comprising the steps of: providing a reduced friction fracturing fluid comprising an aqueous liquid, carbon dioxide, and a polymer comprising acrylamide and an acrylamide copolymer derivative; and, placing the reduced friction fracturing fluid into a subterranean formation at a pressure sufficient to create or extend at least one fracture therein. Additionally, the reference teaches a method wherein the polymer comprises from about 10-85% acrylamide and from about 15-90% of an acrylamide copolymer derivative, and more specifically wherein the polymer comprises 20-60% acrylamide and from about 40-80% of an acrylamide copolymer derivative.

(Office Action at 3.) Applicants respectfully disagree. *Parris* does not disclose each limitation recited in Applicants' claims 5-14.

In particular, the methods of independent claims 5 and 10 as amended recite the step of "reducing the friction of the . . . fluid due to the step of placing the . . . fluid into the subterranean formation through the well bore." *Parris*, however, does not disclose this step. Rather, *Parris* is directed to a strengthened gel that is used for "plugging of permeable zones in subterranean formations and the plugging of subterranean fractures and leaks." (*Parris*, col. 1, ll. 7-9.) The strengthened gel composition of *Parris* comprises crosslinkable polymers that are used in conjunction with a crosslinking agent and a gel strengthening particulate material to actually plug channels and fractures in a subterranean formation. Thus, the polymers in *Parris* do not function as friction reducers, but rather function as to form a plug to prevent the flow of fluids. Therefore, *Parris* does not teach or suggest the step of reducing the friction as recited in independent claims 5 and 10 as amended.

Furthermore, independent claim 5 also recites the step of "placing the reduced friction fracturing fluid into a subterranean formation at a pressure sufficient to create or extend at least one fracture therein." *Parris* does not disclose this step. Instead, *Parris* is directed to the "plugging of permeable zones in subterranean formations and the plugging of subterranean fractures and leaks." (*Parris*, col. 1, ll. 7-9.) Therefore, *Parris* does not teach or suggest the step of placing the reduced friction fracturing fluid into a subterranean formation at a pressure sufficient to create or extend at least one fracture therein as recited in independent claim as amended.

Accordingly, *Parris* does not anticipate independent claims 5 and 10. Moreover, since "a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers," and since claims 6-9 and 11-14 depend from claim 5 and 10, these dependent claims are allowable for at least the same reasons. See 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, Applicant respectfully requests the withdrawal of the § 102(b) rejections as to claims 5-14, and further request the timely issuance of a Notice of Allowance for these claims.

**SUMMARY**

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no additional fees are due in association with the filing of this response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300 (Reference Number HES 2003-IP-011105U1) for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,



Robert A. Kent  
Registration No. 28,626  
Halliburton Energy Services, Inc.  
2600 South Second Street  
P.O. Drawer 1431  
Duncan, OK 73536-0440  
Telephone: 580-251-3125  
**ATTORNEY FOR APPLICANTS**

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